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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/698,215

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John A. Baumann

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74576

7590

06/09/2011

HUGH P. GORTLER

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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3727

NOTIFICATION DATE

DELIVERY MODE

06/09/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/698,215	Applicant(s) BAUMANN, JOHN A.	
	Examiner HADI SHAKERI	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6,11,12,18,20 and 62-68 is/are pending in the application.
- 4a) Of the above claim(s) 4,6,11,12,18,20 and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 62-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 4, 6, 11, 12, 18 and 20 drawn to an invention nonelected with traverse in the reply filed on December 18, 2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

2. Newly submitted claim 68 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: as indicated in the previous Office action a pivot including a ball is directed to the non-elected species of Fig. 6. The Election was made without traverse on 12/5/05.

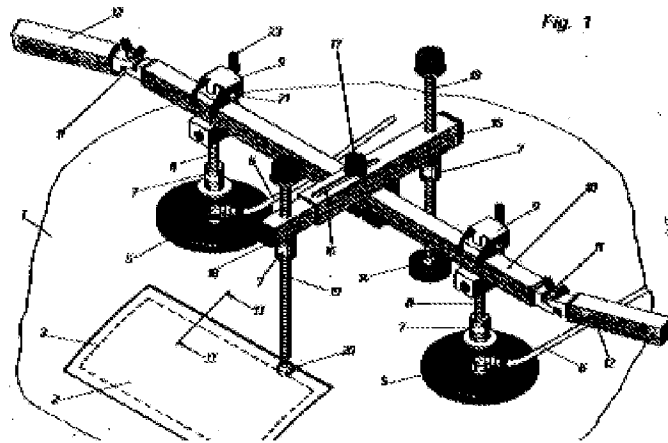
Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 68 is withdrawn from consideration as being directed to a non-elected invention, there being no allowable generic or linking claim. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 62-66 and 2 are finally rejected under 35 U.S.C. 102(b) as being anticipated by GB 2169836.

GB`836 discloses all of the limitations of claims 62, 64 and 66, i.e., a system for clamping a top work piece **2** to an underlying work piece **4**, the system comprising a crib **not shown means, e.g., floor/ground or others supporting 1** for supporting



the underlying work piece **1**; and a chain **defined by 10 and 12** of interspersed coupling units **11** and force applying units **5-9, 13-20**, the chain stretching across the crib or the upper surface of the top work piece **Figs. 1, 3 and 4**, the coupling units **11** allowing the force-applying units **7, 13-20** to conform to the upper surface of the top work piece **page 1, lines 105-107 and page 2, lines 87-97**, the force-applying units for pressing the top work piece against the underlying work piece **page 2, lines 79-84**. The system is capable of being applied to an aircraft skin/frame, thus meeting claim 64 and wherein the coupling units are lockable **via 11** and may be unlocked to allow the chain to flex and allow force applying unit to conform to the workpiece.

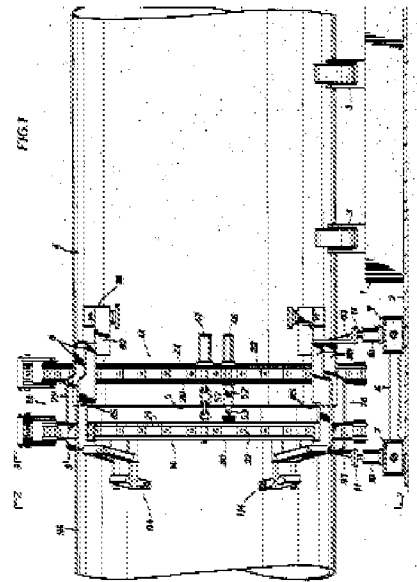
Regarding claims 63 and 2, GB`835 meets the limitations, i.e., arms **10, 12** and pivot ball **defined by joint 11**.

Regarding claim 65, GB`835 is cable of meets the limitations, i.e., skin **2**, frame **1**, and crib being defined by **underlying support not shown supporting 1**.

Art Unit: 3727

5. Claims 62, 63, 66 and 2 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Dearman (4,356,615).

Dearman discloses all of the limitations of claims 62, 64, i.e., a system for clamping a top work piece **4** to an underlying work piece **94** (top and bottom depends on the orientation of the workpieces), the system comprising a crib **10** or dolly/crane **06:10** for supporting the underlying work piece; and a chain of interspersed coupling units **16-19** and force applying units **34**, the chain stretching across the crib



e.g., **Fig. 3**, the coupling units allowing the force-applying units to conform to the upper surface of the top work piece, the force-applying units for pressing the top work piece against the underlying work piece. The system defining a chain of lockable coupling units, i.e., lockable **via 25, 27** to allow the chain to flex and allow force applying unit to conform to the workpiece.

Regarding claims 63 and 2, Dearman meets the limitations, i.e., arms **distal/proximal ends of links** and pivot ball **defined by joint 23**, as best understood.

Claim Rejections - 35 USC § 103

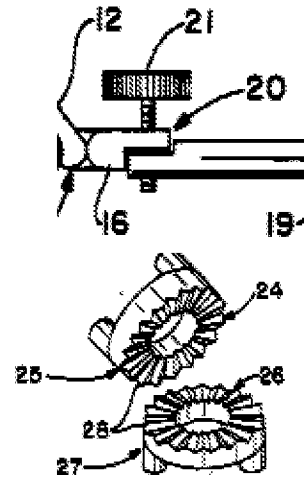
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3727

7. Claim 3 and 67 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over GB`835 in view of Trickett (5,236,213).

GB`835 meets all of the limitations of the indicated claim, as described above, except for disclosing teeth for the arms defining the joint 11.

Trickett teaches joints 17, 20, which may have teeth 28. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the joint of GB`835 with the teeth as taught by Trickett for a more secure lock gin means.



8. Claims 64 and 65 (in the alternative) are finally rejected under 35 U.S.C. 103(a) as being unpatentable over GB`835.

GB`835 meets all of the limitations of the indicated claims, as described above, except for disclosing the application of the system to an aircraft skin/frame. As indicated above the preamble and the narrative language in claim 64 is considered to fail in reading over the anticipation rejection applied, however, in the alternative, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply the invention of GB`835 to other workpieces, e.g., in applying a skin to an aircraft frame, since it would only require routine experimentations with predictable results; and since it would amount to applying a known technique to a known device ready for improvement to yield predictable results.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

10. Applicant's arguments filed March 22, 2011 have been fully considered but they are not persuasive.

Applicant's argument that the rejections of claims under 112, 2nd paragraph due to the alleged deficiencies should have been concerned with a failure to comply with the written description requirement, is acknowledged but is invalid since as was clearly indicated in the Office action a rejection under 112, 1st paragraph was not applied since

the deficiencies were considered to be of clarity rather than enablement, however the rejections are moot in view of amendments as proposed by the examiner.

Applicant's argument with regards to the anticipation rejection of claim 64 over GB`836 (Sollmann), that the previous Office action admits on page 6 that Sollmann does not disclose a force applying unit, is in error. The anticipation rejection of claim 64 is maintained, since as previously indicated, GB`836 (Sollmann) clearly discloses force applying units 14, 20 (7, 13-20). Page 6 of the previous Office action only indicated that Sollmann does not disclose applying the clamping method/system for clamping aircraft skin to an aircraft frame, as recited in the preamble. However since the limitations recited in the body of the claim is clearly met GB`836, and since the system of Sollmann is at least capable of meeting the preamble, GB`836 is applied under anticipation. Therefore the allegation that the Office action admitted that Sollmann fails to disclose force applying units is in error. Note that the claims are not directed to a method or process of clamping aircraft skin to an aircraft frame, but rather to a clamping system. Thus the system disclosed by GB`836 does not have to explicitly disclose such application since the system without any modification is capable of being applied to an aircraft frame (defined by plate 1) and skin, e.g., partial skin (defined by plate 2).

Applicant's argument with regards to the anticipation rejection of claim 62 over GB`836 (Sollmann), that Sollmann fails to disclose a crib is not persuasive, since applicant is reading more into the claim than recited. It is noted that although claims' limitations are interpreted in light of the specifications, limitations from specification are not read into the claims. In defining a claim's limitations, examiner first looks into the

Art Unit: 3727

specification and drawings. In this case drawings, e.g., Fig. 1 and the specification as originally filed, e.g., page 5, lines 11 and 12, describe for the frame 14 to be held on a crib 16 and there are no other description or limitation to define the crib. Therefore the broad definition attributed to this terminology, is a support that holds the underlying workpiece. Sollmann discloses an underlying workpiece 1 and a top workpiece 2.

Sollmann does not disclose how the workpiece 1 is supported, however, whether the underlying workpiece or body plate 1 is held on the ground/floor, secured by clamping means or suspended in the air by cables, said floor/ground, clamping means or the cables would meet the limitation of a crib, which as interpreted by the specification and drawings only defines a "support". A crib for supporting the underlying workpiece/aircraft frame (plate 1) is met by that which holds the body plate 1.

Applicant further argues with regards to claim 62, that Sollmann does not disclose a chain of interspersed coupling units and force applying units that conforms to the surface of the top workpiece. This argument is not persuasive, since Sollmann clearly discloses a chain of interspersed, i.e., "places at intervals or among" coupling units 10, 11 and force applying units 19 (evenly distributed, page 2, lines 85-87), therefor the argument that Sollmann only discloses one force applying unit is incorrect, since Sollmann discloses that in practice several units are mounted and that a suitable choice of connecting pieces, intermediated pieces and joints are placed by the "flexible" tool (page 2, lines 92-97).

Similarly the arguments with regards to claim 66 are not persuasive, since the coupling units 11 of Sollmann are clearly lockable/unlockable (Fig. 1, wing nut) and

Art Unit: 3727

since Sollmann discloses a plurality of coupling and force applying units that are interspersed (page 2, lines 79-97) to retain and press a top workpiece to an underlying workpiece.

Applicants arguments with regards to the obviousness rejections of claims 64 and 65 that only conclusory statement and no rationale underpinnings were provided, are not persuasive. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, the method and system of GB`836 (Sollmann) is cable of being applied in application for clamping aircraft skin to an aircraft farm, and under KSR reasoning applying the system of Sollmann to such applications would amount to combining prior art elements according to known methods to yield predictable results; use of known technique to improve similar devices in the same way; applying a known technique to a known device ready for improvement to yield predictable results; and /or "Obvious to try"-choosing form finite number of identified, predictable solutions, with a reasonable expectation of success.

The arguments regarding the rejection of claims over Dearman, that Dearman does not describe a chain that extends across a crib and that the coupling units are not lockable are not persuasive. The crib may be met by rams 10 or it may also be met by crane/dolly supporting the underlying workpiece 94, and accordingly the chain defined by the coupling units 16-19 and force applying unit 34 may be considered to extend across the crib (i.e. part of the dolly/crane defined by the diameter of 94) that supports the workpiece 94 or across rams 10 as shown in Fig. 2. Further the clamping units are lockable by 25 and 27.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached at 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 27, 2011

/Hadi Shakeri/
Primary Examiner, Art Unit 3727